App. F. IX-4

1948-49
(CB)

File No. S 9 2-48

Previous References.

Serial Nos. 4

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Nil

Part B for June 1949

SUBJECT

L. C. Budget Session - cut motion no 124.
Re- On Demands for grant for the year
1949-50 :12 General Administration
etc

LEGISLATIVE COUNCIL.

BUDGET SESSION - JUNE '49.

Cut Motions on Demands for Grant for the year 1949-50.
12. General Administration.

Sl.No.124, Demand No.7.

The demand under the head "12 General Administration" for Rs.35,44,800 be reduced to Re.1 (to draw the attention of the Government to cut down the number of Ministers to five).

Submitted

According to the Govt. of Mysore Act, 1940, the number of Ministers to be appointed to aid and advise His Highness the Maharaja in the exercise of the executive authority of the State is one for determination by His Highness the Maharaja. See. 4 (1).

The constitution of the present Ministry is based on an understanding arrived at between the Dewan and the President of the Mysore Congress and approv

L. C. Budget Session — Cut Motion No. 120

General and Revenue Secretariat | File No. | of 194 | [App. F. III–2

Serial No.

by His Highness the Maharaja on the 12th October 1947.

(Sd) 24.6.49. (Chief Secy)

DSMR 24.6.49

"H".

Please place a copy of the agreement on the file and submit to Ch. Secy.

(Extract from Govt. of Mysore Act and Copy of Press Note dt. 12.10.47 placed in file)

24/6

(Chief Secy)

DSMR 27/6/49

Office of the Chief Minister.

No. C.67

Date of Receipt

Date of Return 9/7

The Demand was passed. The file is therefore returned.

(Supt. Cash) 9/7

NOTE—Contn. Sheet.

I

Extract from the Government of Mysore Act, 1940.

The Executive.

Council of Ministers.

4. (1) There shall be a council of ministers consisting of the Dewan and such number of ministers, not being less than four, as His Highness the Maharaja may determine to aid and advise His Highness the Maharaja in the exercise of the executive authority of the State.

(2) The council of ministers shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the members thereof.

Appointment of the Dewan.

5. (1) The Dewan shall be appointed by His Highness the Maharaja, and shall hold office during the pleasure of His Highness the Maharaja.

(2) The Dewan shall preside at meetings of the council of ministers.

Appointment of ministers.

6. (1) The ministers shall be appointed by His Highness the Maharaja and shall be sworn as members of the council of ministers.

(2) Two at least of the ministers shall be chosen from among the elected members of the Representative Assembly or the Legislative Council.

Tenure of office of ministers.

7. (1) The ministers shall hold office during the pleasure of His Highness the Maharaja.

(2) A minister chosen from either Chamber shall vacate office if he ceases to be a member of such Chamber:

Provided that, when such minister vacates office owing to the dissolution of a Chamber, His Highness the Maharaja may, notwithstanding anything contained in sub-section (2) of section 6, direct that such minister do continue in office, or appoint such other person as His Highness the Maharaja may deem fit to be minister, until a minister is appointed in accordance with the provisions of sub-section (2) of section 6.

Conduct of business of the Government of His Highness the Maharaja.

8. (1) All executive action shall be expressed to be taken in the name of the Government of His Highness the Maharaja of Mysore.

(2) Orders and other instruments made and executed in the name of the Government of His Highness the Maharaja of Mysore shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of any order or instrument which is so authenticated shall not be called in question on the

ground that it is not an order or instrument made or executed by the Government.

(3) His Highness the Maharaja may make rules for the more convenient transaction of the business of the Government, and for the allocation of the said business among the Dewan and the ministers.

* * *

Press Note dated 12th October 1947.

His Highness the Maharaja of Mysore has been graciously pleased to signify his approval to the understanding that has been arrived at between the Dewan of Mysore and the President of the Mysore Congress regarding the reconstitution of the Ministry and the setting up of a Constituent Assembly. The following are the terms of the Agreement:—

Reconstitution of the Ministry.—The present Ministry shall be dissolved and a fresh Ministry constituted. The Mysore Congress will make recommendations for the Ministry after consultation with such other parties as may be deemed appropriate regarding Non-Congress Ministers. The Ministry shall consist of not less than nine members of whom not less than six shall be Congress and not less than three chosen from parties outside the Congress. The Ministry shall remain in office so long as it enjoys the confidence of the Legislature. The Ministry shall function as a Cabinet with the Dewan, who will continue in office, and act on the basis of joint responsibility in all matters. The decisions of the Cabinet will be arrived at by a majority vote. One of the Ministers chosen from the Congress will be appointed the Chief Minister.

Constituent Assembly.—The new Ministry shall immediately set up a Constituent Assembly composed of elected representatives of the people. The Constituent Assembly will be entrusted with the task of framing a Constitution Bill for the State based on full responsible Government under the ægis of His Highness. The Constituent Assembly may embody in the Bill to be framed such alterations as it deems necessary in the fundamentals contained in Schedule I of the Proclamation and such variations as it may consider necessary regarding Schedule II. (Please see the following Proclamation.) The new constitution shall come into force on or before 1st July 1948.

Proclamation of His Highness Maharaja Sri Jayachamarajendra Wadiyar Bahadur of Mysore this twenty-ninth day of October one thousand nine hundred and forty-seven, in the eighth year of my rule.

WHEREAS by Proclamation dated 24th September 1947 I ordained that a Constitution Bill establishing responsible Government might be submitted to me for my approval embodying certain fundamental principles enunciated therein and for conferring on the Council of Ministers the duty of administering all subjects except those specified therein in accordance with the wishes of my people as expressed through their representatives in the Legislature; and

WHEREAS my approval was notified on 12th October 1947 to an understanding arrived at between the Dewan and the President of the Mysore Congress regarding the constitution of a fresh Ministry and the setting up of a Constituent Assembly; and

WHEREAS in accordance with that understanding certain names have been recommended for the constitution of a fresh Ministry which have met with my approval and such Ministry has been constituted:

I now hereby ordain:

THAT the Dewan and the Ministers shall function as a cabinet acting on the basis of joint responsibility in all matters dealt with by the Council of Ministers and arrive at decisions by a majority vote and that the Ministry shall continue in office so long as it enjoys the confidence of the Legislature:

That the Ministry shall set up a Constituent Assembly composed of elected representatives of the people and entrust it with the task of framing a Constitution Bill for the State of Mysore providing for responsible Government under my ægis and that the Constituent Assembly may embody in the Bill such alterations as it deems necessary in the fundamentals stated in Schedule I of my Proclamation of the 24th September 1947 and such variations as it may consider necessary regarding items in Schedule II of the said Proclamation:

That the Draft Bill will be submitted to me for my approval and that the Constitution Act will be promulgated by me thereafter with such modifications or alterations as I may consider suitable or necessary.

It is my earnest desire that my people conscious of the great opportunity that has been afforded to them will work harmoniously and I am confident that my Council of Ministers will discharge their duties fairly and justly for the peace, progress and prosperity of the State and its people.

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LEGISLATIVE COUNCIL.

BUDGET SESSION - JUNE '49.

Cut Motions on Demands for Grant for the year 1949-50.
12. General Administration.

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